

Group Art Unit: 3738  
Examiner: Blanco, J.



Atty. Ref.: Kerr-5

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Andrew Kerr  
Appl. No. : 09/900,241  
Filed : July 6, 2001  
For : AXIALLY-CONNECTED STENT/GRAFT ASSEMBLY

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RULE 132 DECLARATION**

Sir:

I, Andrew Kerr, am the inventor in the above-captioned patent application. I am a Medical Doctor and I have performed many interventional procedures where I have implanted endovascular stents. I attended a personal interview with Examiner Blanco and Primary Examiner Willse on March 9, 2004. During the course of the interview, it was suggested that a search be conducted to consider the use of the term "butt joint" in the medical literature.

I conducted such a search using the on-line search engine pubmed.com. My search uncovered several publications by individuals with the surname "Butt". My search also uncovered many references where "butt" was used as a colloquial equivalent for cigarette or as a colloquial reference to "buttocks". My search also uncovered several references to "butt joint" in the field of dentistry and specifically prosthodontics, where a crown is mounted to a tooth. I was able to obtain a copy of one

of the dentistry references uncovered during my search. I also found a dentistry text book that referred to a butt joint. These two dentistry references are being submitted by my attorney as part as an Information Disclosure Statement.

I have never consulted dentistry literature for techniques relating to the assembly or deployment of endovascular stents, and I do not believe the dentistry literature I reviewed as part as this search has any relevance to my invention or any other aspect of the design of endovascular stent/graft assemblies.

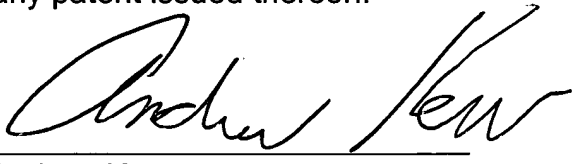
I have reviewed the Office Action of April 20, 2004. The Office Action relies partly on the portion of the Anderson et al. reference at column 10, lines 2-5 and lines 8-10. The Examiner interpreted this section of the Anderson et al. reference as suggesting that Anderson wants to have a small cross-section for ease of introducing a stent/graft assembly into a blood vessel. The section of the Anderson et al. reference extending from col. 10, lines 2-10 reads as follows:

"It is contemplated that this use of the stent could be accomplished with a wide variety of graft types including well known tube grafts and bifurcated grafts. Due principally to the ability of the stent of the invention to expand from a very small diameter to a much larger diameter without substantial shortening, a relatively short length can be used. The graft system is sized so that its cross-section substantially matches that of the healthy portion of the aorta."

I interpret this section of Anderson as meaning that the cross-section of the expanded graft should match the cross-section of the healthy portion of the aorta. This relates to the deployed state of the graft and has nothing to do with introduction. To the contrary, I interpret the second sentence of the above-quoted section of Anderson as meaning that Anderson will accept a large cross-section for introduction.

The entire Anderson disclosure relates to a stent that will expand without shortening. This feature can be very helpful for precisely positioning the stent in the aorta. However, a stent that expands without shortening also collapses without lengthening. This distinguishes from other commercially available stents that shorten during expansion and lengthen when collapsed. A stent that is longer in its collapsed state necessarily will have a smaller cross section. Thus, I interpret Anderson et al. as being a compromise where a larger cross-section during introduction is tolerated so that the more precise positioning can be achieved due to the uniform length before and after expansion.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Andrew Kerr

Date:

*June 17, 2004*